

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

LOYD KENNEDY,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-14-0925-F
)	
WARDEN MIKE ADDISON,)	
)	
Respondent.)	

ORDER


Petitioner Loyd Kennedy, a state prisoner appearing *pro se* whose pleadings are liberally construed, brings this action under 28 U.S.C. § 2241. Amended Petition, doc. no. 8. On October 9, 2014, Magistrate Judge Shon T. Erwin entered a Report and Recommendation (the Report), doc. no. 11, recommending summary dismissal of the petition without prejudice, for failure to exhaust available state court remedies. Petitioner objected to the Report, contending that he has exhausted state court remedies. Doc. no. 13. Petitioner also filed a “Motion for Injunctive Order to Compel State to Comply with and Enforce its Own Court Rules, Statutes, Constitution and U.S. Supreme Court Opinions, and Constitution, etc.” Doc. no. 7 (motion for injunctive relief). Petitioner has also filed a “Petition for a Writ of Mandamus to Compel State to Immediately Comply with and Enforce its Own Court Rules, Statutes and Constitution.” Doc. no. 14.

As required by 28 U.S.C. §636(b)(1), the court has reviewed all objected to matters *de novo*. Having concluded that review, and after careful consideration of plaintiff’s objections, the motion for injunctive relief, the motion for mandamus relief, the record, and the status of plaintiff’s petition for habeas relief which remains pending as of the date of this order in the District Court for Cleveland County, Oklahoma, as

Case No. WH-2014-3, the court finds that it agrees with the Report and Recommendation of the Magistrate Judge and that no purpose would be served by stating any further analysis here.

Accordingly, plaintiff's objections to the Report and Recommendation of Magistrate Judge Erwin are **DENIED** and the Report and Recommendation is **ACCEPTED** and **AFFIRMED**. The Report is **ADOPTED** as **AMENDED**; the amendments correct minor typographical errors.¹ This action is summarily **DISMISSED** without prejudice for failure to exhaust available state court remedies. As this case is now closed, the motion for injunctive relief at doc. no. 7, and the petition for mandamus relief at doc. no. 14, are **STRICKEN** as moot.

Dated this 28th day of October, 2014.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

14-0925p002.wpd

¹The Report's reference mid-way p. 3 to the date of an Oklahoma Supreme Court Order, is corrected to the date of July 15, 2014. The Report's reference near the end of p. 5 to Case No. HC-2014 is corrected to refer to Case No. WH-2014-3 pending in Cleveland County.